

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

CHRISTOPHER THORNTON,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	2:16cv347-MHT
)	(WO)
HOSPITALITY MANAGEMENT)	
ASSOCIATES, INC. and)	
DOUGLAS GURNEY,)	
)	
Defendants.)	

DEFAULT JUDGMENT AND INJUNCTION

In accordance with the memorandum opinion entered today, it is the ORDER, JUDGMENT, and DECREE of the court as follows:

(1) Default judgment is entered in favor of plaintiff Christopher Thornton and against defendants Hospitality Management Associates, Inc. and Douglas Gurney on plaintiff Thornton's complaint.

(2) Defendants Hospitality Management Associates, Inc. and Gurney have violated and continue to violate Title III of the Americans with Disabilities Act (ADA), 42 U.S.C. § 12181, et seq., and its implementing

regulations, see 28 C.F.R. Part 36, through their operation of their business, 1048 Blues and Jazz, and through the condition of their property, 1104 East Fairview Ave, Montgomery, Alabama 36106, in the design of parking lot, the entranceways from the parking lot to and throughout the music/entertainment areas and service areas, the bathrooms, the paths of travel, and the common areas.

(3) Defendants Hospitality Management Associates, Inc. and Gurney, their officers, agents, servants, employees, and attorneys and all other persons who are in active concert or participation with them and who receive actual notice of this judgment are ENJOINED and RESTRAINED from failing, by September 29, 2017, to make repairs sufficient to cure the following defects and thus to bring their facility at 1104 East Fairview Avenue, Montgomery, Alabama, into compliance with the provisions of the ADA:

(a) There is no handicapped accessible route to enter the facility;

(b) There is no ADA accessible entrance;

(c) There is no ADA accessible route from the entrance to and throughout the facility;

(d) There is no ADA accessible route throughout the dining areas including the raised/sunken area and outdoor dining area;

(e) The restroom is not accessible because there is not 18 inches of clear floor space on the latch side of the door;

(f) The urinal is not ADA accessible because there is not 36 inches of clear floor space for a forward approach;

(g) The water closet is not accessible, because the centerline of the toilet is too far from the side wall (21 inches);

(h) There is no 5 % ADA accessible seating in the outside dining area;

(i) The mirror and coat hook are too high;

(j) The toilet room door is not self-closing and fails to have door pulls located on

both sides;

(k) The toilet paper dispenser restricts the delivery of a continuous flow of paper;

(l) The soap dispenser requires tight grasping, twisting, and/or pinching of the wrist.

It is further ORDERED that costs are taxed against defendants Hospitality Management Associates, Inc. and Gurney, for which execution may issue. Should plaintiff Thornton seek attorney's fees (not already awarded) as the prevailing party in this litigation, plaintiff Thornton should file an appropriate motion for such fees.

The clerk of the court is DIRECTED to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

The clerk of court is further DIRECTED to serve a copy of this default judgment and injunction, as well as copies of the other judgment and opinion entered today, on defendants Hospitality Management Associates,

Inc. and Gurney by certified mail, return receipt requested.

This case is closed.

DONE, this the 24th day of August, 2017.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE